

JUL 25 2023

EXHIBIT 23

Order 07-10-23

the adverse party when requesting relief from this Court. Petitioner has failed to give adequate notice to the proper party. The Court **DECLINES** jurisdiction and **DISMISSES** this matter.

CONCUR: Rowland, P.J.; Hudson, V.P.J.; Lumpkin, J.; Lewis, J.; Musseman, J.

3 PC-2023-581
Beckham County
Case No. CF-2015-188
Honorable Michelle Kirby
Roper
Associate District Judge

KENNETH H. TIBBETTS v. THE
STATE OF OKLAHOMA

ORDER DECLINING JURISDICTION

Petitioner's request for post-conviction relief was denied by the District Court in an order filed March 29, 2023. Petitioner's Petition in Error should have been filed with this Court on or before May 30, 2023, but was not filed until July 12, 2023. Petitioner failed to timely file the Petition in Error with the Clerk of this Court within sixty (60) days from the filing date of the District Court's final order. See Rule 5.2(C)(2), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2023). The Court **DECLINES** jurisdiction and **DISMISSES** this matter. If Petitioner feels he has been denied a post-conviction appeal through no fault of his own, he may seek the appropriate relief with the District Court. See Rule 2.1(E)(1), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2023).

CONCUR: Rowland, P.J.; Hudson, V.P.J.; Lumpkin, J.; Lewis, J.; Musseman, J.

IT IS SO ORDERED.

WITNESS MY HAND AND THE SEAL OF THIS COURT this 25

day of July, 2023.


SCOTT ROWLAND, Presiding Judge

ATTEST:


 Clerk